

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Board of Trustees, <i>et al.</i> ,	:	
	:	
Plaintiffs	:	Case No. 2:06-cv-797
	:	
v.	:	Judge Smith
	:	
South Texas and Lone Star Dry Wall, Inc.,	:	Magistrate Judge Abel
<i>et al.</i> ,	:	
Defendants	:	
	:	

**ORDER**

Plaintiffs bring this action to recover delinquent contributions to joint employer-employee Funds. 29 U.S.C. §1132(g). This matter is before the Court on plaintiffs' unopposed November 2, 2006 motion for default judgment against defendants South Texas and Lone Star Dry Wall, Inc. and James B. Tribbie..

The Clerk of Court entered default against defendants on November 1, 2006 (doc. 7). The affidavit of Cyndi Zeller, the audit supervisor of the Ohio Laborer's District Council - Ohio Contractors' Association Insurance Fund, the Laborers' District Council and Contractors' Pension Fund of Ohio, the Laborer's Training and Upgrading Trust Fund, and Ohio Laborer's District Council - Ohio Contractor's Association Cooperation and Education Trust Fund known collectively as the Laborers' Fringe Benefit Programs demonstrates defendants are a party to collective bargaining agreements that obligate them to make contributions to the Funds. It further establishes that audits of defendants found delinquencies in the amount of \$ 6,718.67 for the period to September 2006.

Accordingly, plaintiffs' unopposed November 2, 2006 motion for default judgment (doc. 8) is GRANTED. The Clerk of Court is DIRECTED to enter JUDGMENT in the amount of \$6,718.67 , including unpaid fringe benefit contributions through September 2006, and prejudgment interest; liquidated damages, plus reasonable attorney fees of \$1,852.20, plus interest from the time of judgment at the rate of 1% per month and court costs in the amount of \$350.

/S/ George C. Smith  
George C. Smith  
United States District Judge